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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/804,944	03/13/2001	Kevin R. Brundage	SP01-032	1919
22928	7590	09/13/2004	EXAMINER	
CORNING INCORPORATED			TRAN, LEN	
SP-TI-3-I			ART UNIT	PAPER NUMBER
CORNING, NY 14831			1725	

DATE MAILED: 09/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/804,944	BRUNDAGE ET AL.	
	Examiner	Art Unit	
Len Tran	1725		

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-4, 10, 11, and 14-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Pfefferle (US 4,407,785).

Pfefferle discloses a monolith reactor comprising a housing, plurality of monoliths positioned within the reactor, means for supporting the reactor, and means for maintaining compression to the monoliths (col. 3, lines 54-64, col. 4, lines 35-37). The monoliths are honeycomb structure having channels extending there through parallel to a longitudinal axis of the housing. The retainers (26,27) used to urged against the upper and lower stack of monoliths.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claim 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pfefferle (US '785) as applied to claim 1 above, and further in view of EP 0 226 306.

Pfefferle discloses the claimed invention above, but fails to teach individual cemented together along their longitudinal edges.

However, EP '306 discloses cementing individual monoliths together at their edges (page 4, line 20) for the purpose of having a strong structure.

Therefore, it would have been obvious to one of ordinary skill in the art at the time applicant's invention was made to cement the edges of the monoliths as taught by EP '306, in Pfefferle in order to have a strong structure.

5. Claim 8, 9, 12, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pfefferle (US '785) as applied to claim 1 above, and further in view of Betteken et al (US 4,195,064).

Pfefferle disclose the claimed invention, but fails to teach support means including a support grating, support means having rods extending from the upper stack to the lower stack.

Betteken et al disclose support grates and rods to provide a unitized internal vertical support column structure which ties the top of the reactor vessel to the bottom thereof so that at least part of the internal tension forces from the top of such reactor are resisted by the vertical support column structure rather than solely by the outer shell of the reactor, thus reducing or eliminating distortion or deflection of the bottom of the reactor around the periphery thereof.

Therefore, it would have been obvious to one of ordinary skill in the art at the time applicant's invention was made to provide support grates and rods as taught by Betteken et al, in Pfefferle in order to reduce or eliminate distortion or deflection.

Response to Arguments

6. Applicant's arguments filed July 15, 2004 have been fully considered but they are not persuasive.

Applicant argues that Pfefferle fails to suggest a mean for maintaining catalyst element 11-17 under constant compression. However, Pfefferle discloses spacers 24 and retainers 27 to keep the catalyst apart and capable of maintaining the catalyst element under constant compression. Applicant did not claim any distinct feature in any of the independent claims wherein the mean for maintaining a constant compression is of a specific material or that the mean can withstand at a compression value. Therefore, with the broadest interpretation of the

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claimed invention, the spacers 24 and retainers 26 and 27 is capable of performing the function of a constant compression.

Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Len Tran whose telephone number is (571) 272-1184. The examiner can normally be reached on M-F, 8:30 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Dunn can be reached on (571) 272-1171. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KILEY S. STONER
PRIMARY EXAMINER
Kiley Stoner 9/8/04

Len Tran
Examiner
Art Unit 1725

LT
September 8, 2004